THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5297 OF 2006

Dated: 18-03-2006

Between

Subbaiah, S/o. Late T. Ramaiah,

R/o. Settipalli Village,

Tirupati Urban Mandal,

Chittoor District.

…PETITIONERS

AND

The Government of Andhra Pradesh, rep. by

The District Registrar, Balaji Registration District

Tirupati and another.

…RESPONDENTS

ORDER:

Petitioners submit that they are the residents of Settipalli Village, Chittoor District and owners of the small extents of agricultural lands in different Survey Numbers of Settipalli village, Tirupati Urban Mandal, Chittoor District, which are patta lands and they are in absolute possession and enjoyment over the said land. When they wanted to sell the said properties and presented the documents,

the second respondent refused to entertain the said documents, on the ground that the lands in question, which are sought to be sold, cannot be registered as the revenue officials have directed him not to register any deeds of conveyance concerning the lands in Settipalli Village.

In view of the same, the present writ petition is filed.

Learned Government Pleader submits that there is no notification issued by the Government of Andhra Pradesh under Section 22-A(1) of the Registration Act, 1908, prohibiting the registration of the documents in respect of said village. On issuance of such notification, the second respondent can refuse to receive the document for registration, but not as otherwise.

If the said lands are assigned lands included in a list of assigned lands in the district prepared by the District Collector, it is always open for the registering authority to refuse to register the same but in the absence of any such list available with regard to the assigned lands or Government poramboke lands, it may not be just and proper for the registering authority to refuse to register the said lands.

In view of the same, the second respondent is hereby directed to receive the documents and register the same, as and when,
the petitioners presented the same for registration, and for any reason, if the documents cannot be registered, he has to pass appropriate orders and communicate the same to the petitioners within two weeks from the date of presentation of the said document.

Accordingly, the writ petition is disposed of at the stage of admission.

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V. ESWARAIAH, J

March 18, 2006

Note: Furnish Copy of the order by 20.03.2006

(**B/o**)

DSK